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**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1D-2004-63886

REGIE R. ABELLA
9 Anthurium Ct.
Danville, CA 94506

Physical Therapist Assistant
License No. AT 2692,

Respondent.

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
above-entitled proceedings that the following matters are true:

PARTIES

1. Complainant Steven K. Hartzell is the Executive Officer of the Physical
Therapy Board of California. He brought this action solely in his official capacity and is
represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
by David M. Carr, Deputy Attorney General.

2. Respondent Regie R. Abella, PTA is represented by Edward A. Hinshaw,
of Hinshaw, Draa, Marsh, Still & Hinshaw, 12901 Saratoga Avenue, Saratoga, California.

3. On or about January 9, 1992, the Physical Therapy Board of California
issued Physical Therapist License No. AT2692 to Regie R. Abella ("Respondent"). This license

1 was in full force and effect at all times relevant to the charges brought in Accusation No. 1D-
2 2004-63886 and will expire on December 31, 2007, unless renewed.

3 **JURISDICTION**

4 4. Accusation No.1D-2004-63886 was filed before the Physical Therapy
5 Board of California, Department of Consumer Affairs (“Board”), and is currently pending against
6 Respondent. The Accusation and all other statutorily required documents were properly served
7 on Respondent. Respondent timely filed his Notice of Defense contesting the Accusation. A
8 copy of Accusation No. 1D-2004-63886 is attached as exhibit A and incorporated herein by
9 reference.

10 **ADVISEMENT AND WAIVERS**

11 5. Respondent has carefully read and fully understands the charges and
12 allegations in Accusation No. 1D-2004-63886. Respondent has also carefully read and fully
13 understands the effects of this Stipulated Settlement and Disciplinary Order.

14 6. Respondent is fully aware of his legal rights in this matter, including the
15 right to a hearing on the charges and allegations in the Accusation; the right to confront and
16 cross-examine the witnesses against him; the right to present evidence and to testify on his own
17 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the
18 production of documents; the right to reconsideration and court review of an adverse decision;
19 and all other rights accorded by the California Administrative Procedure Act and other applicable
20 laws.

21 7. Respondent voluntarily and knowingly waives and gives up each right set
22 forth above.

23 **CULPABILITY**

24 8. Respondent understands and agrees that the charges and allegations in
25 Accusation No. 1D-2004-63886, if proven at a hearing, constitute cause for imposing discipline
26 upon his Physical Therapist Assistant License.

27 9. For the purpose of resolving the Accusation without the expense and
28 uncertainty of further proceedings, Respondent admits, as alleged in paragraph 26 of the

1 Accusation, that he failed to properly document the physical therapy services he provided to five
2 patients during October 2004, in violation of section 1398.44(e), CCR Title 16.

3 10. Respondent agrees that his Physical Therapist Assistant License is subject
4 to discipline, and he agrees to be bound by the Board's imposition of discipline as set forth in the
5 Disciplinary Order below.

6 **CIRCUMSTANCES IN MITIGATION**

7 _____ 11. Respondent has never before been the subject of any disciplinary action
8 and has admitted responsibility at an early stage in the proceedings.

9 **RESERVATION**

10 12. The admissions made by Respondent herein are only for the purposes of
11 this proceeding, or any other proceedings in which the Physical Therapy Board of California, or
12 other professional licensing agency is involved, and shall not be admissible in any other criminal
13 or civil proceeding.

14 **CONTINGENCY**

15 13. This stipulation shall be subject to approval by the Physical Therapy
16 Board. Respondent understands and agrees that counsel for Complainant and the staff of the
17 Board may communicate directly with the Board regarding this stipulation and settlement,
18 without notice to or participation by Respondent. By signing the stipulation, Respondent
19 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation
20 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation
21 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force
22 or effect, except for this paragraph, it shall be inadmissible in any legal action between the
23 parties, and the Board shall not be disqualified from further action by having considered this
24 matter.

25 14. The parties understand and agree that facsimile copies of this Stipulated
26 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
27 force and effect as the originals.

28 15. In consideration of the foregoing admissions and stipulations, the parties

1 agree that the Board may, without further notice or formal proceeding, issue and enter the
2 following Disciplinary Order:

3 **DISCIPLINARY ORDER**

4 IT IS HEREBY ORDERED that Respondent Regie R. Abella, P.T.A, holder of
5 Physical Therapist Assistant License No. PT 2692, shall be publicly reprovved by the Physical
6 Therapy Board of California for violating Business and Professions Code section 2630 and Title
7 16 California Code of Regulations section 1398.44 and shall comply with the following terms
8 and conditions. A copy of the public reprovall is attached as Exhibit B and is incorporated herein
9 by reference as if fully set forth.

10 A. COST RECOVERY. Respondent is ordered to reimburse the Board the
11 actual and reasonable prosecutorial costs in this matter of \$1,000.00 within ninety (90) days of
12 the effective date of the decision. Respondent's failure to pay the ordered reimbursement, or any
13 agreed upon payment, may constitute a violation of this order. The filing of bankruptcy by
14 Respondent shall not relieve Respondent of his responsibility to reimburse the Board. If
15 Respondent is in default of his responsibility to reimburse the Board, the Board will collect cost
16 recovery from the Franchise Tax Board, the Internal Revenue Service, or by any other means of
17 attachment of earned wages legally available to the Board. Failure to fulfill the obligation could
18 also result in attachment to Department of Motor Vehicle registrations or license renewals.

19 B. WRITTEN EXAMINATION ON THE LAWS AND REGULATIONS
20 GOVERNING THE PRACTICE OF PHYSICAL Therapy. Within 90 days of the effective date
21 of this decision, Respondent shall take and pass the Board's written examination on the laws and
22 regulations governing the practice of physical therapy in California. If Respondent fails to pass
23 the examination, he shall be suspended from the practice of physical therapy until a repeat
24 examination is successfully passed. Failure to comply with this condition constitutes a material
25 breach of this order.

26 C. PRACTICE OR PERFORMANCE OF PHYSICAL THERAPIST
27 DUTIES WHILE SUBJECT TO PUBLIC REPROVAL. It is not contrary to the public interest
28 for Respondent to practice and/or perform his duties as a physical therapist assistant after

1 issuance of the public reproof. Accordingly, it is not the intent of the Board that this order or
2 the fact that Respondent has been publicly reproofed shall be used as the sole basis for any third
3 party payor to remove Respondent from any list of approved providers.

4 D. FAILURE TO COMPLY WITH ORDER. A material breach by
5 Respondent of this order shall constitute unprofessional conduct and shall be a basis for further
6 disciplinary action by the Board. In such circumstances, Complainant may reinstate the
7 Accusation in Case No. 1D 2004 63886, file an amended accusation, and/or file a supplemental
8 accusation alleging any material breach of this order by Respondent as unprofessional conduct.

9
10
11 ACCEPTANCE

12 I have carefully read the above Stipulated Settlement and Disciplinary Order and
13 have fully discussed it with my attorney. I understand the stipulation and the effect it will have
14 on my Physical Therapist Assistant License . I enter into this Stipulated Settlement and
15 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
16 Decision and Order of the Physical Therapy Board of California.

17
18 DATED: October 15, 2007.

19
20 Original Signed By:
21 REGIE R. ABELLA, P.T.A.
22 Respondent
23
24
25
26

27 I have read and fully discussed with Respondent Regie R. Abella, the
28 terms and conditions of this Stipulated Settlement and Disciplinary Order. I approve its form

and content.

DATED: October 24, 2007.

Original Signed By: _____
EDWARD A. HINSHAW
Attorney for Respondent David Turner

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Physical Therapy Board of California of the Department of Consumer Affairs.

DATED: September 13, 2007.

EDMUND G. BROWN JR, Attorney General
of the State of California

Original Signed By: _____
DAVID CARR,
Deputy Attorney General

Attorneys for Complainant

In the Matter of the Accusation Against:

Case No. 1D 2004 63886

REGIE R. ABELLA, PTA

Physical Therapist Assistant
License No. AT 2692

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Physical Therapy Board of California, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on March 3, 2008.

It is so ORDERED January 31, 2008.

Original Signed By:
Nancy Krueger, PT
President
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS